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United States of America  
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8 **IN THE UNITED STATES DISTRICT COURT**  
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
10 **SAN FRANCISCO DIVISION**

11 **UNITED STATES OF AMERICA,**

Case No. **C11-04167 DMR**

12 Plaintiff,

13 v.

14 **ROY P. CHRISTIAN**  
**aka ROY PAUL CHRISTIAN, DDS.,**

15 Defendant,

**WRIT OF CONTINUING  
GARNISHMENT**

16 and  
17

**GENERAL ORTHOCARE, INC.,**

18 Garnishee.  
19 \_\_\_\_\_/

20 TO: GENERAL ORTHOCARE, INC.  
C/O Law Offices of Kevin J. Keenan  
21 18011 Mitchell S  
Irvine, CA 92614  
22

23 YOU ARE HEREBY COMMANDED TO GARNISH FOR THE BENEFIT OF  
24 THE UNITED STATES OF AMERICA ANY PROPERTY, INCLUDING **DENTAL**  
25 **INSURANCE PAYMENTS**, IN YOUR CUSTODY, CONTROL, OR POSSESSION IN  
26 WHICH THE DEFENDANT-JUDGMENT DEBTOR HAS AN OWNERSHIP  
27 INTEREST.

28 The name, SSN XXX-XX-5491, and last known address of the person who is

1 the defendant-judgment debtor (hereinafter "debtor") in this action and whose property  
2 is subject to this Writ are as follows:

3 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS.  
4 112 Amber Oak Court  
5 Los Gatos, CA 95032

6 and

7 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS  
8 20480 Blauer Drive, Suite B  
9 Saratoga, CA 95070

10 This Writ has been issued at the request of the United States of America to  
11 enforce the collection of a civil judgment entered in favor of the United States against  
12 the debtor for a defaulted student loan in the amount of \$75,588.41. There is a  
13 balance of \$68,346.63 due on the judgment, which amount includes costs and interest  
14 computed through April 11, 2019; interest continues to accrue until paid in full.

15 The following are the steps that you must take to comply with this Writ. If you  
16 have any questions, you should consult with your attorney.

17 1. Pursuant to 28 U.S.C. § 3205(c)(2)(F), if you have in your custody, control,  
18 or possession any property of the debtor, including **dental insurance payments**, in  
19 which the debtor has a substantial nonexempt interest, or if you obtain custody,  
20 control, or possession of such property while this Writ is in effect, you must  
21 immediately withhold such property from the debtor and retain it in your possession  
22 until you receive instructions from the Court which will tell you what to do with the  
23 property. The United States has requested that the sum of all dental insurance  
24 payments, be withheld from the defendant to be paid to the United States.

25 2. Pursuant to 28 U.S.C. § 3205(c)(2)(E), you are required to answer this Writ  
26 within 10 days after service of this Writ upon you. You must answer the Writ even if  
27 you do not have in your custody, control, or possession any property, including Dental  
28 Insurance Payments, of the debtor. Pursuant to 28 U.S.C. § 3205(c)(4), your answer  
must state, under oath, the following information:

- 1           a.     Whether or not you have in your custody, control, or possession, any  
2                     property owned by the debtor in which the debtor has a substantial  
3                     nonexempt interest, including nonexempt Dental Insurance Payments;  
4           b.     a description of such property and the value of such property;  
5           c.     a description of any previous garnishments to which such property is  
6                     subject and the extent to which any remaining property is not exempt;  
7                     and  
8           d.     the amount of the funds you anticipate owing to the debtor in the future  
9                     and whether the period for payment will be weekly or another specified  
10                  period.

11 For your convenience, a form which addresses the above-requested information is  
12 attached and may be used to Answer the Writ.

13           3. After you complete the answer under oath, pursuant to 28 U.S.C. §  
14 3205(c)(2)(E) & (c)(4), within ten (10) days after service of this Writ upon you, you  
15 must mail or deliver the original Answer bearing the original signature of the person  
16 preparing the answer to the Court at the following address:

17                     Civil Clerk, United States District Court  
18                     450 Golden Gate Avenue, 16th Floor  
                      San Francisco, CA 94102

19 At the same time that you mail or deliver the original answer to the Court, you must  
20 also mail or deliver a copy of the original Answer to both the debtor and attorney for  
21 the United States at the following respective addresses:

22 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS.  
23 112 Amber Oak Court  
23 Los Gatos, CA 95032

24 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS  
25 20480 Blauer Drive, Suite B  
25 Saratoga, CA 95070

26 Michael Cosentino, Counsel for the United States  
27 P.O. Box 129  
27 Alameda, CA 94501

28 Please note that the attached form Answer contains a certificate of service which

1 needs to be completed by the person mailing the copies of the answer to the debtor  
2 and the attorney for the United States, and which needs to be filed along with the  
3 Answer.

4 **IF YOU FAIL TO ANSWER THIS WRIT OR FAIL TO WITHHOLD PROPERTY**  
5 **IN ACCORDANCE WITH THIS WRIT, THE UNITED STATES MAY PETITION THE**  
6 **COURT FOR AN ORDER REQUIRING YOU TO APPEAR BEFORE THE COURT TO**  
7 **ANSWER THE WRIT AND TO WITHHOLD PROPERTY IN ACCORDANCE WITH**  
8 **THE WRIT BEFORE THE APPEARANCE DATE. IF YOU FAIL TO APPEAR OR DO**  
9 **APPEAR AND FAIL TO SHOW GOOD CAUSE WHY YOU FAILED TO COMPLY**  
10 **WITH THIS WRIT, THE COURT WILL ENTER A JUDGMENT AGAINST YOU FOR**  
11 **THE VALUE OF THE DEBTOR'S NONEXEMPT INTEREST IN SUCH PROPERTY**  
12 **(INCLUDING NONEXEMPT DISPOSABLE EARNINGS). THE COURT MAY ALSO**  
13 **AWARD A REASONABLE ATTORNEY'S FEE TO THE UNITED STATES AND**  
14 **AGAINST YOU IF THE WRIT IS NOT ANSWERED WITHIN THE TIME SPECIFIED**  
15 **HEREIN AND IF THE UNITED STATES FILES A PETITION REQUIRING YOU TO**  
16 **APPEAR.**

17 SUSAN Y. SOONG, Clerk  
18 United States District Court  
19 for the Northern District of California

20 Dated: 4/18/2019

21 By:   
22 Deputy Clerk Mark Romyn



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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No. C11-04167 DMR
Plaintiff,	)	
v.	)	
ROY P. CHRISTIAN	)	
aka ROY PAUL CHRISTIAN, DDS.,	)	
Defendant,	)	
and	)	
GENERAL ORTHOCARE, INC.	)	<b>ANSWER OF GARNISHEE</b>
Garnishee.	)	
_____	)	

I, \_\_\_\_\_, being first duly sworn, hereby state the following:

1. I am the \_\_\_\_\_ (Official Title) of the Garnishee  
named in the above caption. I am authorized to prepare this Answer on behalf of the  
Garnishee.
2. The Garnishee was served with the Writ of Continuing Garnishment on  
\_\_\_\_\_ (date) in this action.
3. The Garnishee currently has custody, control, or possession of Dental  
Insurance Payments payable to the Defendant. Yes\_\_\_\_ No\_\_\_\_
4. The Garnishee expects to obtain custody, control, or possession of Dental

1 Insurance Payments payable to the Defendant in the foreseeable future. Yes\_\_\_\_\_

2 No\_\_\_\_\_

3 5. N/A

4 6. Are there any other garnishments currently in effect? Yes \_\_\_\_\_ No \_\_\_\_\_

5 If the answers is yes, describe below and attach to this Answer a copy of each  
6 garnishment:

7 \_\_\_\_\_  
8 \_\_\_\_\_  
9 \_\_\_\_\_

10 7. Will the Garnishee owe the Defendant Dental Insurance Payments in the  
11 foreseeable future?

12 Yes \_\_\_\_\_ No\_\_\_\_\_ If the answer is yes, provide the reason why such money will be  
13 owed, the amount of money that will be owed, and the date or dates on which each  
14 payment will be due:

15	Type of		
16	<u>Payment</u>	<u>Amount</u>	<u>Date Payment</u> <u>Will be Due</u>
17	1. _____	_____	_____
18	2. _____	_____	_____
19	3. _____	_____	_____

20 8. N/A

21 9. N/A

22 10. Does the Garnishee have any objections or defenses to the Writ of  
23 Continuing Garnishment? Yes\_\_\_\_\_ No\_\_\_\_\_ If the answer is yes, list the nature  
24 and basis of each objection and/or defense:

25 \_\_\_\_\_  
26 \_\_\_\_\_  
27 \_\_\_\_\_  
28 \_\_\_\_\_

On behalf of GENERAL ORTHOCARE, INC., I hereby certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: \_\_\_\_\_ By: \_\_\_\_\_

(Sign above the line and type or print name below)

Telephone # \_\_\_\_\_ Fax # \_\_\_\_\_

1 CERTIFICATE OF SERVICE

2 I, \_\_\_\_\_, declare:

3 That I am a citizen of the United States and employed in the County of

4 \_\_\_\_\_, California; that my business address is

5 \_\_\_\_\_; that I am

6 over the age of eighteen years; and that I am not a party to the above-entitled action;

7 That on \_\_\_\_\_ (date), I deposited in the United States mail, in

8 envelopes bearing the requisite postage, a copy of the attached

9 **ANSWER OF GARNISHEE**

10 addressed to each of the following, at their last known addresses, at which place there

11 is service by United States mail.

12 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS.

13 112 Amber Oak Court

14 Los Gatos, CA 95032

15 ROY P. CHRISTIAN aka ROY PAUL CHRISTIAN, DDS

16 20480 Blauer Drive, Suite B

17 Saratoga, CA 95070

18 Michael Cosentino

19 Counsel for the United States

20 P.O. Box 129

21 Alameda, CA 94501

22 I have caused, or will cause, the original of the ANSWER OF GARNISHEE to be

23 filed in the United States District Court pursuant to the instruction for same in

24 paragraph # 3 of the Writ.

25 This Certificate was executed on \_\_\_\_\_ (date),

26 at \_\_\_\_\_ (city), \_\_\_\_\_ (state).

27 I certify under penalty of perjury that the foregoing is true and correct.

28 \_\_\_\_\_  
(sign above the line and type or print name below)